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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

AUG 04 2004

at 2 o'clock and 45 min. PM.  
WALTER A. Y. H. CHINN, CLERK

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00247 DAE
	)	
Plaintiff,	)	FIRST SUPERSEDING INDICTMENT
vs.	)	
	)	[21 U.S.C. §841(a)(1); 21
ALLEN HARRIS,	)	U.S.C. §841(b)(1)(B); 18
	)	U.S.C. §924(c)(1); 18 U.S.C.
Defendant.	)	§922(g)(9); 18 U.S.C.
	)	§924(a)(2)]

FIRST SUPERSEDING INDICTMENT

COUNT 1

[21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(B)]

The Grand Jury charges:

On or about June 19, 2004, in the District of Hawaii,  
defendant, ALLEN HARRIS, did knowingly possess with the intent to  
distribute five grams or more of a mixture or substance which  
contained a detectable amount of cocaine, its salts, optical and  
geometric isomers, and salts of its isomers, which contain

cocaine base a.k.a. "crack" cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 2

[18 U.S.C. § 924(c)(1)]

The Grand Jury further charges that:

On or about June 19, 2004, in the District of Hawaii, defendant, ALLEN HARRIS, knowingly used and carried a firearm, to wit: a Smith and Wesson .38 revolver, bearing serial number 95K8820, during and in relation to a drug trafficking crime, to wit, the possession of five grams or more of a mixture or substance which contained a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of its isomers, which contain cocaine base a.k.a. "crack" cocaine, a Schedule II controlled substance with the intent to distribute, as charged in Count 1.

All in violation of Title 18, United States Code, Section 924(c)(1).

COUNT 3

[18 U.S.C. §922(g)(9) and 18 U.S.C. §924(a)(2)]

The Grand Jury further charges:

On or about June 19, 2004, in the District of Hawaii, defendant, ALLEN HARRIS, then being a person who had been

convicted of a misdemeanor crime of domestic violence, did knowingly possess in and affecting commerce a firearm and ammunition, that is, a Smith and Wesson .38 revolver, bearing serial number 95K8820 and 6 rounds of .38 caliber ammunition.

All in violation of Title 18, United States Code, Sections 922(g)(9) and 924(a)(2).

Sentencing Allegations

1. With respect to Count 1, the defendant knowingly possessed with the intent to distribute 35.9 grams of "crack" cocaine.
2. With respect to Count 1, the defendant possessed a dangerous weapon (including a firearm).

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3. With respect to Count 3, the defendant knowingly possessed the Smith and Wesson .38 caliber revolver in connection with another felony offense, the possession with the intent to distribute cocaine base as charged in Count 1.


DATED: AUG - 4 2004, 2004, at Honolulu, Hawaii.

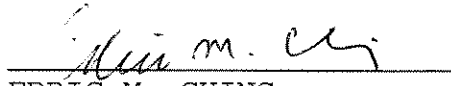
A TRUE BILL

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FOREPERSON, GRAND JURY

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United States v. Allen Harris  
Cr. No. 04-00247 DAE  
"First Superseding Indictment"